

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM EARL McCARVER]	
Petitioner,]	
]	
v.]	No. 3:10-0850
]	Judge Trauger
JAMES MORROW, WARDEN]	
Respondent.]	

O R D E R

The Court has before it a *pro se* prisoner petition (Docket Entry No.1) under 28 U.S.C. § 2254, for writ of habeas corpus.

The petitioner is an inmate at the Southeastern Tennessee State Regional Correctional Facility in Pikeville, Tennessee. He brings this action against James Morrow, Warden of the prison, challenging the legality of a 1998 Sequatchie County murder conviction.

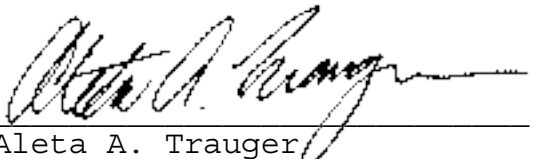
Venue for a § 2254 action is governed by 28 U.S.C. § 2241(d). That provision requires that a habeas corpus action be brought in either the judicial district of petitioner's conviction or the judicial district of his current incarceration.

In this case, the petitioner was convicted in Sequatchie County, which lies in the Eastern District of Tennessee. 28 U.S.C. § 123(a)(3). He is currently incarcerated in a penal facility in Bledsoe County, which is also in the Eastern District of Tennessee.

28 U.S.C. § 123(a)(3). It therefore appears to the Court that venue is not proper in this judicial district.

Accordingly, the Clerk is directed to TRANSFER this case to the United States District Court for the Eastern District of Tennessee, Southern Division at Chattanooga, Tennessee. 28 U.S.C. § 1406(a).

It is so ORDERED.



Aleta A. Trauger
United States District Judge